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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/086,646 | 02/28/2002 | Clinton S. Vilks | 9015.143US01 | 6986 |

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EXAMINER

RODRIGUEZ, CRIS LOIREN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3763

12

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,646

Applicant(s)

VILKS ET AL.

Examiner

Cris L. Rodriguez

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 47-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-24, 47, 48 and 51 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 49 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sealfon (US 5,336,189).

Sealfon discloses a cartridge (figs. 2, 5-8) having a barrel 10, and a plunger 14 having a first and second tabs 76 (figs. 5-8) projecting inwardly from the interior wall face. The plunger also includes a groove defined on the exterior cylindrical wall face (between annular seals 56), and the interior cylindrical wall face has a uniform diameter along its length.

3. Claims 1-3, 5, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al (US 5,688,252).

Matsuda discloses a cartridge (figs. 6-27) having a barrel 1, and a plunger 2 having a first and second tabs 21b. The barrel open end has an outer edge that is symmetrical about a central longitudinal axis extending from the open end to the closed end. It is also disclosed a rod 3 having an interface cylinder 31 having first and second channel 31a for receiving the first and second tab of the plunger 2.

4. Claims 1, 7-22, 47, 48, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Mulhauser et al (US 5,919,167).

Mulhauser discloses a cartridge (fig. 6) having a barrel 26, and a plunger 108 having a first tab at 104 projecting inwardly from the interior wall face. The barrel open end has an outer edge that is symmetrical about a central longitudinal axis extending from the open end to the closed end.

Allowable Subject Matter

5. Claims 4, 6, 49, and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 25-28 are allowable over the prior art of record.
7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or render obvious a first and second channel of the interface cylinder including a locking portion disposed in a circumferential direction around an outer portion of the interface cylinder, and a removable cartridge rod including an interface cylinder at one end of the shaft defining a first channel for receiving and retaining the first tab of the plunger, in combination with the elements set forth in the claims.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lampropoulos et al, Voss et al, Quatrochi et al, and Maffetone.

Art Unit: 3763

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cris L. Rodriguez whose telephone number is (703) 308-2194. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (703) 308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 30, 2004



Cris L. Rodriguez
Examiner
Art Unit 3763